

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

JASON N. KOSIER, §
§
Plaintiff, §
§
v. § **Case No. 1:21-cv-550**
§
GATESTONE & CO. §
INTERNATIONAL INC., §
§
Defendant. §

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Gatestone & Co. International Inc. (“Gatestone”), hereby removes the above captioned civil action from the Justice Court, Precinct 3, Place 2 of Bell County, Texas to the United States District Court for the Western District of Texas. The removal of this civil action is proper because:

1. Gatestone is a Defendant in a civil action filed by Plaintiff, Jason N. Kosier (“Plaintiff”), in the Justice Court, Precinct 3, Place 2 of Bell County, Texas, captioned as

Jason N. Kosier v. Gatestone & Co. International Inc., Case No. 32-2021-S-0029978 (hereinafter the “State Court Action”). Gatestone consents to the removal and there are no other Defendants in this matter.

2. Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Gatestone removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.

3. The Petition in the State Court Action asserts claims under the federal Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692, *et seq.*, and under Texas state

law. A true and correct copy of Plaintiff's Petition in the State Court Action is attached hereto as **Exhibit A**. No other pleadings have been filed or proceedings have occurred in the State Court Action. A true and correct copy of the Docket for the State Court Action is attached hereto as **Exhibit B**.

4. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original, federal question jurisdiction over Plaintiff's FDCPA claims pursuant to 28 U.S.C. § 1331 and would have supplemental jurisdiction pursuant to 28 U.S.C. § 1337 over the state law claim asserted.

5. The Justice Court, Precinct 3, Place 2 of Bell County, Texas, is located within the Western District of Texas. Therefore, venue for purposes of removal is proper because the United States District Court for the Western District of Texas embraces the place in which the removed action was pending. *See* 28 U.S.C. § 1441(a).

6. Pursuant to 28 U.S.C. § 1446(b), Gatestone timely filed this Notice of Removal. Gatestone was served with process on June 8, 2021. This Notice of Removal is being filed within 30 days from service of the Citation and Petition.

7. A copy of this Notice of Removal is being served upon Plaintiff and filed concurrently with the Justice Court, Precinct 3, Place 2 of Bell County, Texas.

WHEREFORE, Defendant, Gatestone & Co. International Inc., hereby removes the State Court Action to this Honorable Court.

Respectfully Submitted,

/s/ Whitney L. White
Whitney L. White
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*Attorney for Defendant,
Gatestone & Co. International Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2021, a copy of the foregoing *Notice of Removal* was electronically filed with the Clerk of the Court, United States District Court for the Western District of Texas and served via U.S. Mail upon the following:

Jason N. Kosier
111 Woodland Trail
Belton, TX 76513
Telephone: (254) 421-2506

/s/ Whitney L. White
Whitney L. White